

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
(HOUSTON DIVISION)**

IN RE	§	
	§	
	§	
CALTEX HOLDINGS, L.P.,	§	CASE NO. 09-31875-H2-7
	§	(CHAPTER 7)
Debtor.	§	
LANDAMERICA PARTNERS	§	
TITLE COMPANY D/B/A	§	
PARTNERS TITLE COMPANY,	§	
	§	
Plaintiff,	§	
	§	
v.	§	ADVERSARY NO. 10-03031
	§	
CALTEX HOLDINGS, L.P.,	§	
TEXAS CARGOWAYS, LLC, AND	§	
H. MALCOLM LOVETT, JR.	§	
	§	
Defendants.	§	

**INTERPLEADER STAKEHOLDER’S UNOPPOSED MOTION TO DEPOSIT
INTERPLED FUNDS INTO THE COURT’S REGISTRY**

LandAmerica Partners Title Company d/b/a Partners Title Company (“Partners Title”) files this unopposed motion to deposit earnest money into the Court’s registry and states:

I.

GROUND FOR DEPOSITING INTERPLEAD FUNDS

This lawsuit involves a dispute over the appropriate recipient of \$100,000.00 in earnest money (“Earnest Money”) deposited with Partners Title by Texas Cargoways,

LLC (“Cargoways”) in connection with a commercial contract executed on or about August 6, 2008 (“Contract”), whereby CalTex Holdings, L.P. agreed to sell property located at 18611 Beaumont Highway, Houston, Texas 77049 to Cargoways. Because Partners Title has received competing claims to the Earnest Money, Partners Title filed its Complaint for Interpleader tendering the Earnest Money deposited by Cargoways pursuant to the Contract into the registry of the Court and seeks to be discharged from the lawsuit.

II.

RELIEF REQUESTED

Partners Title respectfully requests the Court allow it to deposit the Earnest Money into the Court’s registry pending a judicial determination of the proper recipient of the Earnest Money.

Respectfully submitted,

By: /s/ Russell W. Hubbard

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ATTORNEYS FOR PLAINTIFF
LANDAMERICA PARTNERS TITLE
COMPANY D/B/A PARTNERS TITLE
COMPANY

CERTIFICATE OF CONFERENCE

The undersigned has conferred with counsel for Texas Cargoways, LLC, Caltex Holdings, L.P., and H. Malcolm Lovett, Jr., and they are unopposed to the relief sought herein.

/s/ Russell W. Hubbard
Russell W. Hubbard

CERTIFICATE OF SERVICE

On February 24, 2010, a true and correct copy of the foregoing instrument has been sent via certified mail, return receipt requested, to counsel for Caltex Holdings, L.P. and H. Malcolm Lovett, Jr., Elizabeth C. Freeman, PORTER AND HEDGES, LLP, 1000 Main St., 36th Flr., Houston, Texas 77002-6336, and counsel for Texas Cargoways, LLC, Michel Perez, BOYAR & MILLER, 4265 San Felipe, Suite 1200, Houston, Texas 77027.

/s/Russell W. Hubbard
Russell W. Hubbard